REMARKS

Claims 1-12 were examined. Claims 1, 2, 11 and 12 were rejected. Claims 3-10 were objected to. Claims 1-12 have been amended. Claims 1-12 remain pending in this application.

The Examiner has objected to claims 1-12 because claims 1 and 3 recite that an adaptive transport protocol decoder comprises sources of packet streams; whereas Figure 1 illustrates a system having an adaptive transport protocol decoder and sources of packet streams. Applicant has amended claims 1 and 3 to recite "An adaptive transport decoder, comprising: a source of a first stream of packets ...; a source of a second stream of packets ...; a protocol decoder...." Claims 2 – 12 contain corresponding recitations. This amendment is meant to bring claim language into closer conformance with the written description and does not change, nor is it a disclaimer of, the scope of any of the claims.

The Examiner has also rejected claims 1, 2, 11 and 12 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 6,157,673 (Cuccia). Applicant respectfully traverses this rejection without making amendments to the claims.

Claim 1 recites in pertinent part, "An adaptive transport decoder, comprising: a source of a first stream of packets, ... having a first transport protocol; a source of a second stream of packets, ... having a second transport protocol ...."

Referring to Figure 1 of the present application, an embodiment of a system according to the present invention may receive packets having different transport protocols (page 4, lines 1-12), decode those packets regardless of transport protocol (page 4, lines 14-22), and extract the MPEG packets which were carried in their payloads (page 4, lines 24-32). In the present application, Figure 2 is a diagram illustrating the two different packet protocols (page 5, lines 1-3). The packet having the first protocol is illustrated as Figure 2A and the packet having the second protocol is illustrated as Figure 2B (page 5, lines 3-6). One skilled in the art will understand that the number of bits in the first packet (Figure 2A) is different than the number of bits in the second packet (Figure 2B) (page 5, lines 9-12). In addition, one skilled in the art will understand that while both the first and second packets (Figure 2A and 2B) have a header and a payload, the number of bits in the payload in the first packet (Figure 2A) is different than the number of bits in the payload in the second packet (Figure 2B) (page 5, lines 14-16). Further the payloads of packets of different

protocols may be placed in a different places in the packets (page 8, lines 24-25). One skilled in the art will also understand that control information in the headers of packets in one protocol may be in a different location, have a different length and be encoded in a different manner than corresponding information in the headers of packets of a different protocol (page 7, lines 23-25; page 8, lines 7-9 and 30-32). More specifically, the packet source 12 produces DSS protocol packets (Page 4, lines 6-8) having a payload of 127 bytes (page 11, line 23). The packet source 14 produces ATSC protocol packets (Page 4, lines 11-12) having a payload of 184 bytes (page 11, lines 28-29).

Cuccia does not disclose a source of a first stream of packets having a first transport protocol and a source of a second stream of packets having a second transport protocol, as is recited in claim 1.
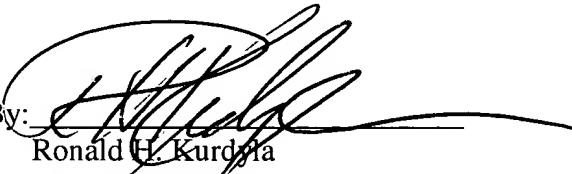
Instead, referring to Figure 1 of Cuccia, Cuccia discloses a system having multiple MPEG-2 transport streams (col. 2, lines 58-59). These streams may be supplied from different source types, such as modems, asynchronous transfer mode (ATM) networks, digital storage media (DSM) and/or different service providers. (Col. 2, lines 59-63). However, all the packets from these multiple MPEG-2 transport streams all have the same protocol. That is, there is no disclosure anywhere in Cuccia that any of these transport streams have any protocol other than the single disclosed MPEG-2 transport protocol. Referring to Figure 3 of Cuccia, each transport packet P in all of the MPEG-2 transport streams has the same protocol: 188 bytes in total length and is composed of a packet header PH of four bytes and a packet payload PP of 184 bytes (Figure 3 and col. 3, lines 27-30). There is no disclosure anywhere in Cuccia of any stream of packets having any other transport protocol (compare Figures 2A and 2B of the present application to Figure 3 of Cuccia).

Because Cuccia does not disclose each and every limitation recited in claim 1, it cannot be said to anticipate claim 1. Claim 1, thus, is deemed allowable over Cuccia. Claims 2 and 11-12, dependent from, and further defining the invention recited in, claim 1, are deemed allowable over Cuccia for the same reasons given above with respect to claim 1. The Examiner is, therefore, respectfully requested to reconsider and withdraw this rejection.

In view of the above amendments and arguments, claims 1-12 are deemed allowable. The Examiner is respectfully requested to reconsider and withdraw the rejection, and to allow the amended application.

Please charge any fees associated with this matter, including the fee for replying within the first reply extension time to Deposit Account 07-0832.

Respectfully submitted,

By: _____
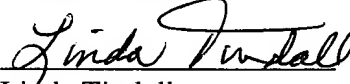Ronald H. Kurdyla
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___November 17, 2003___
Date

Linda Tindall